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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/018,990

04/01/2002

Tilwin Lepsius

H 3947 PCT/US

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423 7590 12/31/2003

HENKEL CORPORATION  
THE TRIAD, SUITE 200  
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EXAMINER

MUSSER, BARBARA J

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,990

Applicant(s)

LEPSIUS ET AL.

Examiner

Barbara J. Musser

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected..
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 11, 15-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski et al.(U.S. Patent 6,120,867) in view of Bries et al.(U.S. Publication 2002/0009568A1).

Hamerski et al. discloses a device for attaching an object to a surface such as a picture to a wall wherein one side of a folded strip having pressure sensitive adhesive on the outside is attached to an object. The other side of the folded strip, which also has pressure sensitive adhesive thereon, is adhered to the wall.(Col. 3, ll. 27-35, Abstract) The folded strip can be bonded to itself on the inside to prevent movement on the two items relative to one another.(Col. 7, ll. 48-50) The reference discloses that the material which bonds the strip to itself is a releasable adhesive but fails to teach connecting elements such that the elements on one side of the folded strip interlock with the elements on the other side of the folded strip. Bries et al. discloses a device for applying a picture to a wall wherein the exterior surface have a pressure sensitive adhesive thereon and the interior surfaces are connected together either by adhesive or by connecting elements such that the elements on one piece interlock with the elements on the other piece.(Paragraphs [0008], [0034]) It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to replace the interior adhesive of Hamerski et al. which holds the folded portions together with connecting elements such that the elements on one side of the folded strip interlock with the elements on the other side of the folded strip since this would allow the device to be reused more easily(paragraph [0006]) and since Bries et al. indicates adhesives and connecting elements such as Velcro are well-known alternatives in the art and that each has different properties that would make it particularly suitable for certain tasks.(paragraphs [0008], [0034])

Regarding claims 11 and 18, Bries et al. discloses the connecting members can be hook and loop fasteners.(paragraph [0041])

Regarding claims 15, 16, 20, and 21, the strip of Hamerski et al. is evenly divided into two sections(Figure 1), and Bries et al. shows that each section has one type of fastener.(Figure 6)

3. Claims 12-14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski et al. and Bries et al. as applied to claims 11 and 17 above, and further in view of Cejka et al.(U.S. Patent 6,106,922)

The reference cited above do not specifically disclose any of the fasteners being mushroom shaped though Bries et al. does disclose any known reusable connector can be used.(paragraph [0034]) Cejka et al. discloses mushroom shaped fasteners which can interlock with themselves or with hoops.(Col. 16, ll. 11-14) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use either the mushroom fasteners of Cejka et al. by themselves or in combination with

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loops since Bries et al. discloses any reusable fasteners can be used and since Cejka et al. discloses these fasteners are a common type of mechanical fastener.(Col. 1, ll. 15-18)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Barbara J. Musser** whose telephone number is **(571) 272-1222**. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
BJM

  
JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300